

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Robert V. Cavanagh
and Rhoda M. Cavanagh

v.

Civil No. 12-cv-394-LM

Northern New England
Benefit Trust

O R D E R

In an order dated May 23, 2013, the court granted summary judgment to defendant on all of plaintiffs' claims against it, but reserved decision on defendant's request for attorney's fees and costs, as that issue was not properly before the court. To bring that issue before the court, defendant was given twenty days to "either file a motion for attorney's fees or notify the court that it [did] not intend to do so." Order (doc. no. 22) 8. That deadline has come and gone, and defendant has neither moved for attorney's fees nor indicated that it does not intend to do so. Accordingly, defendant's request for attorney's fees is denied.

To summarize, defendant is entitled to judgment as a matter of law on all of plaintiffs' claims, as the court has already ruled, but defendant is not entitled its costs and attorney's

fees. The clerk of the court shall enter judgment in accordance with document no. 22, and this order, and close the case.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

June 26, 2013

cc: Kenneth M. Brown, Esq.
William R. Cahill, Jr., Esq.